

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LOUISE ARCHULETA,

Plaintiff,

v.

15cv1099 WPL

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.

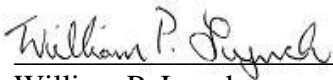
**ORDER DENYING MOTION TO PROCEED IFP**

Plaintiff Louise Archuleta applied to proceed *in forma pauperis* (“IFP”). (Doc. 2.) The Court may authorize the commencement of any suit without prepayment of fees by a person if she (1) submits an affidavit that includes a statement of all assets she possesses and (2) is unable to pay such fees. 28 U.S.C. § 1915(a). While the Court should not deny a person the opportunity to proceed under § 1915(a) simply because she is not penniless, the Court may deny permission for a person to proceed IFP where her monthly income exceeds her monthly expenses by a few hundred dollars. *See Brewer v. City of Overland Park Police Dep’t*, 24 F. App’x 977, 979 (10th Cir. 2002) (litigant whose monthly income exceeded his monthly expenses by a few hundred dollars appeared to have sufficient income to pay filing fees and thus was not entitled to IFP status) (unpublished); *Scherer v. Kansas*, 263 F. App’x 667, 669 (10th Cir. 2008) (unpublished).

In her affidavit, Archuleta states that: (i) her and her spouse’s combined monthly income is \$5,476.00; (ii) their household expenses are \$3,465.00; and (iii) they have a total of \$460 in two bank accounts. It appears that Archuleta is presently able to pay the \$400.00 fee for instituting a new case because her and her spouse’s combined monthly income exceeds their combined monthly expenses by more than \$2000.

Archuleta's motion to proceed IFP is denied. Archuleta shall have 7 days from entry of this Order to pay the \$400.00 fee for instituting a new case or show cause why this case should not be dismissed without prejudice for failure to pay the filing fee.

IT IS SO ORDERED.

  
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William P. Lynch  
United States Magistrate Judge